

Senate Study Bill 1109

SENATE FILE _____
BY (PROPOSED COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT BILL
BY CO=CHAIRPERSON BLACK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to regulating and registering certain vessels,
2 operating certain vessels by minors, inspecting certain
3 vessels, operating vessels for hire or commercial vessels,
4 providing for penalties, and appropriating the moneys
5 collected from certain registration fee increases to the state
6 fish and game protection fund.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 1912SC 81
9 av/sh/8

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1 1 Section 1. Section 462A.5, subsection 1, unnumbered
1 2 paragraph 1, Code 2005, is amended to read as follows:
1 3 The owner of each vessel required to be numbered by this
1 4 state shall register it every ~~two~~ three years with the county
1 5 recorder of the county in which the owner resides, or, if the
1 6 owner is a nonresident, the owner shall register it in the
1 7 county in which such vessel is principally used. The
1 8 commission shall have supervisory responsibility over the
1 9 registration of all vessels and shall provide each county
1 10 recorder with registration forms and certificates and shall
1 11 allocate identification numbers to each county.
1 12 Sec. 2. Section 462A.5, subsection 1, Code 2005, is
1 13 amended by adding the following unnumbered paragraph after
1 14 unnumbered paragraph 2:
1 15 NEW UNNUMBERED PARAGRAPH. A vessel that has an expired
1 16 registration certificate from another state may be registered
1 17 in this state upon proper application, payment of all
1 18 applicable registration and writing fees, and payment of a
1 19 penalty of five dollars.
1 20 Sec. 3. Section 462A.5, subsection 3, Code 2005, is
1 21 amended to read as follows:
1 22 3. The registration fees for vessels subject to this
1 23 chapter are as follows:
1 24 a. For vessels of any length without motor or sail, ~~five~~
1 25 twelve dollars.
1 26 b. For motorboats or sailboats less than ~~twelve~~ sixteen
1 27 feet in length, ~~eight~~ thirty dollars.
1 28 c. For motorboats or sailboats ~~twelve~~ sixteen feet or
1 29 more, but less than ~~fifteen~~ twenty=six feet in length, ~~ten~~
1 30 forty=five dollars.
1 31 ~~d. For motorboats or sailboats fifteen feet or more, but~~
1 32 ~~less than eighteen feet in length, twelve dollars.~~
1 33 ~~e. For motorboats or sailboats eighteen feet or more, but~~
1 34 ~~less than twenty-five feet in length, eighteen dollars.~~
1 35 ~~f. d. For motorboats or sailboats twenty=five twenty=six~~
2 1 ~~feet in length or more, twenty=eight but less than forty feet~~
2 2 ~~in length, seventy=five dollars.~~
2 3 ~~e. For motorboats or sailboats forty feet in length or~~
2 4 ~~more, one hundred fifty dollars.~~
2 5 ~~f. For all personal watercraft, seventy=five dollars.~~
2 6 Every registration certificate and number issued becomes
2 7 delinquent at midnight April 30 of ~~odd-numbered years~~ the last
2 8 calendar year of the registration period unless terminated or
2 9 discontinued in accordance with this chapter. After January 1
2 10 ~~in odd-numbered years, 2007~~, an unregistered vessel and a
2 11 renewal of registration may be registered for the ~~two-year~~
2 12 three-year registration period beginning May 1 of that year.

2 13 After ~~When unregistered vessels are registered after January 1~~
2 14 ~~in even-numbered years, of the year succeeding the beginning~~
2 15 ~~of the three-year registration period, such unregistered~~
2 16 vessels may be registered for the remainder of the current
2 17 registration period at ~~fifty-percent~~ a prorated amount of the
2 18 appropriate registration fee.

2 19 If a timely application for renewal is made, the applicant
2 20 shall receive the same registration number allocated to the
2 21 applicant for the previous registration period. If the
2 22 application for registration for the ~~biennium~~ three-year
2 23 registration period is not made before May 1 of ~~each odd-~~
2 24 ~~numbered the last calendar year of the registration period,~~
2 25 the applicant shall be charged a penalty of five dollars.

2 26 Sec. 4. Section 462A.5, subsection 6, Code 2005, is
2 27 amended to read as follows:

2 28 6. The owner of each vessel which has a valid marine
2 29 document issued by the bureau of customs of the United States
2 30 government or any federal agency successor thereto shall
2 31 register it every ~~two~~ three years with the county recorder in
2 32 the same manner prescribed for undocumented vessels and shall
2 33 cause the registration validation decal to be placed on the
2 34 vessel in the manner prescribed by the rules of the
2 35 commission. When the vessel bears the identification required
3 1 in the documentation, it is exempt from the placement of the
3 2 identification numbers as required on undocumented vessels.
3 3 The fee for such registration is twenty-five dollars plus a
3 4 writing fee.

3 5 Sec. 5. Section 462A.12, subsection 6, Code 2005, is
3 6 amended to read as follows:

3 7 6. An owner or operator of a vessel propelled by a motor
3 8 of more than ten horsepower shall not permit any person under
3 9 twelve years of age to operate the ~~personal watercraft vessel~~
3 10 unless accompanied in or on the same ~~personal watercraft~~
3 11 vessel by a responsible person of at least eighteen years of
3 12 age who is experienced in motorboat operation. ~~Commencing~~
3 13 ~~January 1, 2003, a~~ A person who is twelve years of age or
3 14 older but less than eighteen years of age shall not operate
3 15 any ~~personal watercraft vessel propelled by a motor of more~~
3 16 ~~than ten horsepower~~ unless the person has successfully
3 17 completed a department-approved watercraft safety course and
3 18 obtained a watercraft safety certificate or is accompanied in
3 19 or on the same vessel by a responsible person of at least
3 20 eighteen years of age who is experienced in motorboat
3 21 operation. A person required to have a watercraft safety
3 22 certificate shall carry and shall exhibit or make available
3 23 the certificate upon request of an officer of the department.
3 24 A violation of this subsection is a simple misdemeanor as
3 25 provided in section 462A.13. However, a person charged with
3 26 violating this subsection shall not be convicted if the person
3 27 produces in court, within a reasonable time, a department=
3 28 approved certificate. The cost of a department certificate,
3 29 or any duplicate, shall not exceed five dollars.

3 30 Sec. 6. Section 462A.20, Code 2005, is amended to read as
3 31 follows:

3 32 462A.20 BOAT INSPECTION.

3 33 ~~Any person having, A vessel either for hire or offered for~~
3 34 ~~hire upon any waters of this state under the jurisdiction of~~
3 35 ~~the commission, any vessel, either for hire or offered for~~
4 1 ~~hire, must have such vessel and all its appurtenances annually~~
4 2 ~~may be inspected at any time by representatives of the~~
4 3 ~~commission or by any peace officer who is trained in~~
4 4 ~~enforcing, and who in the regular course of duty enforces,~~
4 5 ~~boating and navigation laws.~~

4 6 ~~Every such owner shall file in the office of the~~
4 7 ~~commission, an application for inspection of such vessels on a~~
4 8 ~~blank furnished by the commission for that purpose.~~

4 9 ~~Officers appointed by the commission or any peace officer~~
4 10 ~~who is trained in enforcing, and who in the regular course of~~
4 11 ~~duty enforces, boating and navigation laws~~ shall have the
4 12 power and authority to determine whether such vessel is safe
4 13 for the transportation of passengers or cargo and upon what
4 14 waters it may be used. They may determine and designate the
4 15 number of passengers or cargo, including crew, that may be
4 16 carried and determine whether the machinery, equipment and all
4 17 appurtenances are such as to make ~~said vessels~~ the vessel
4 18 seaworthy, where used, and such other matters as are
4 19 pertinent.

4 20 ~~After such vessels have been inspected as provided herein,~~
4 21 ~~a current inspection seal or tag shall be issued by the~~
4 22 ~~commission and shall be kept posted in a conspicuous place~~
4 23 ~~upon or in such vessel. Any inspection seal or tag shall be~~

~~4 24 in effect only for the calendar year for which the inspection~~
~~4 25 seal or tag is issued.~~
4 26 Private vessels may also be inspected to determine their
4 27 seaworthiness at any time by representatives of the commission
4 28 or by any peace officer who is trained in enforcing, and who
4 29 in the regular course of duty enforces, boating and navigation
4 30 laws.

4 31 Sec. 7. Section 462A.23, subsection 1, Code 2005, is
4 32 amended to read as follows:

4 33 1. Any officer appointed by the commission may, for cause,
4 34 temporarily suspend the registration certificate of any vessel
4 35 ~~and the license of a pilot or engineer,~~ that has been issued
5 1 under this chapter, and the commission, after a due hearing on
5 2 the matter at its next session, shall make final determination
5 3 in the matter.

5 4 Sec. 8. Section 462A.23, subsection 2, unnumbered
5 5 paragraph 1, Code 2005, is amended to read as follows:

5 6 The commission shall forthwith revoke the registration
5 7 certificate of any vessel and the ~~pilot's or engineer's~~
~~5 8 license of the operator of such vessel owner's or operator's~~
5 9 privilege to operate a vessel for hire or commercial vessel,
5 10 upon receiving a record of such owner or operator's conviction
5 11 of any of the following offenses, when such conviction has
5 12 become final:

5 13 Sec. 9. Section 462A.23, subsection 3, Code 2005, is
5 14 amended to read as follows:

5 15 3. The commission is hereby authorized to suspend the
5 16 registration certificate of any vessel and the ~~pilot's or~~
~~5 17 engineer's license of an operator owner's or operator's~~
5 18 privilege to operate a vessel for hire or commercial vessel
5 19 upon a showing by its records that the owner or operator:

5 20 a. Has committed an offense for which mandatory revocation
5 21 of the registration certificate or pilot's or engineer's
~~5 22 license of the privilege to operate a vessel for hire or~~
5 23 commercial vessel is required upon conviction.

5 24 b. Is a habitual reckless or negligent operator of a
5 25 vessel for hire or commercial vessel.

5 26 c. Is incompetent to operate a vessel for hire or
5 27 commercial vessel.

5 28 d. Has permitted an unlawful or fraudulent use of such
5 29 registration certificate ~~or pilot's or engineer's license.~~

5 30 Sec. 10. Section 462A.25, Code 2005, is amended by
5 31 striking the section and inserting in lieu thereof the
5 32 following:

5 33 462A.25 PENALTY.

5 34 If an owner or operator of a vessel for hire or commercial
5 35 vessel operated upon the waters of this state under the
6 1 jurisdiction of the commission permits such vessel to be
6 2 occupied by more passengers and crew than the registration
6 3 capacity allows or if a person continues to operate a vessel
6 4 for hire or commercial vessel after the person's privilege to
6 5 operate the vessel has been revoked, the person shall be
6 6 guilty of a serious misdemeanor. The provisions of this
6 7 section shall not apply to vessels registered or numbered by
6 8 authority of the United States.

6 9 Sec. 11. Section 462A.39, Code 2005, is amended to read as
6 10 follows:

6 11 462A.39 EXPIRATION DATE.

6 12 Each special certificate issued hereunder shall expire at
6 13 midnight on April 30 of ~~each odd-numbered~~ the last calendar
6 14 year of the registration period, and a new special certificate
6 15 for the ensuing ~~biennium~~ registration period may be obtained
6 16 upon application to the commission and payment of the fee
6 17 provided by law.

6 18 Sec. 12. Section 462A.52, Code 2005, is amended to read as
6 19 follows:

6 20 462A.52 FEES REMITTED TO COMMISSION.

6 21 1. Within ten days after the end of each month, a county
6 22 recorder shall remit to the commission all fees collected by
6 23 the recorder during the previous month. ~~Before May 10 in odd-~~
~~6 24 numbered years of the registration period beginning May 1 of~~
6 25 that year, a county recorder shall remit to the commission all
6 26 unused license blanks for the previous ~~biennium~~ registration
6 27 period. All fees collected for the registration of vessels
6 28 shall be forwarded by the commission to the treasurer of the
6 29 state, who shall place the money in ~~a special conservation the~~
6 30 state fish and game protection fund. The money so collected
6 31 is appropriated to the commission solely for the
6 32 administration and enforcement of navigation laws and water
6 33 safety.

6 34 2. Notwithstanding subsection 1, any increase in revenues

6 35 received on or after July 1, 2007, but on or before June 30,
7 1 2013, pursuant to this section as a result of fee increases
7 2 pursuant to this Act, shall be used by the commission only for
7 3 the administration and enforcement of programs to control
7 4 aquatic invasive species and for the administration and
7 5 enforcement of navigation laws and water safety upon the
7 6 inland waters of this state.

7 7 Sec. 13. Section 462A.53, Code 2005, is amended to read as
7 8 follows:

7 9 462A.53 AMOUNT OF WRITING FEES.

7 10 A writing fee of one dollar and twenty-five cents for each
7 11 transaction shall be collected by the county recorder. If two
7 12 or more functions are transacted for the same vessel at one
7 13 time, the writing fee is limited to one dollar and twenty-
7 14 five cents.

7 15 Sec. 14. Section 462A.66, Code 2005, is amended to read as
7 16 follows:

7 17 462A.66 INSPECTION AUTHORITY.

7 18 An officer of the commission or any peace officer who is
7 19 trained in enforcing, and who in the regular course of duty

7 20 enforces, boating and navigation laws may stop and inspect a
7 21 vessel being launched, being operated, or being moored on the
7 22 waters of this state under the jurisdiction of the commission
7 23 to determine whether the vessel is properly registered,
7 24 numbered, and equipped as provided under this chapter and
7 25 rules of the commission. An officer may board a vessel in the
7 26 course of an inspection if the operator is unable to supply
7 27 visual evidence that the vessel is properly registered and
7 28 equipped as required by this chapter and rules of the
7 29 commission. The inspection shall not include an inspection of
7 30 an area that is not essential to determine compliance with the
7 31 provisions of this chapter and rules of the commission.

7 32 Sec. 15. Section 462A.77, subsection 1, Code 2005, is
7 33 amended to read as follows:

7 34 1. Except as provided in subsection 3, an owner of a
7 35 vessel seventeen feet or longer in length principally used on
8 1 the waters of the state and to be numbered pursuant to section
8 2 462A.4 shall apply to the county recorder of the county in
8 3 which the owner resides for a certificate of title for the
8 4 vessel. The requirement of a certificate of title does not
8 5 apply to canoes, kayaks, or inflatable vessels regardless of
8 6 length.

8 7 Sec. 16. Sections 462A.21 and 462A.22, Code 2005, are
8 8 repealed.

8 9 EXPLANATION

8 10 This bill relates to various water navigation regulations.

8 11 The bill changes the registration period for a vessel from
8 12 two years to three years for vessels registered after January
8 13 1, 2007. The bill provides that every registration
8 14 certificate and number issued becomes delinquent at midnight
8 15 on April 30 of the last calendar year of the registration
8 16 period and that if an application for the three-year
8 17 registration period is not made before May 1 of the last
8 18 calendar year of the registration period, the applicant shall
8 19 be charged a penalty of \$5. The bill also provides that an
8 20 unregistered vessel that is registered after January 1 of the
8 21 year succeeding the beginning of the three-year registration
8 22 period may be registered for the remainder of the current
8 23 registration period at a prorated amount of the appropriate
8 24 registration fee. The bill also changes the registration
8 25 period for a vessel with a valid marine document issued by the
8 26 bureau of customs of the United States government or any
8 27 federal agency successor thereto or for a special certificate
8 28 from two to three years.

8 29 Code section 462A.5 is amended to provide that a vessel
8 30 that has an expired registration certificate from another
8 31 state may be registered in this state upon proper application,
8 32 payment of all applicable registration and writing fees, and
8 33 payment of a penalty of \$5.

8 34 Code section 462A.5 is also amended by increasing the
8 35 registration fees for vessels, creating a new registration
9 1 category for motorboats or sailboats 26 feet or more but less
9 2 than 40 feet in length, with a registration fee of \$75, and
9 3 creating a new category for motorboats or sailboats 40 feet in
9 4 length or more, with a registration fee of \$150. The bill
9 5 also provides that there is a separate registration fee for
9 6 all personal watercraft of \$75.

9 7 Code section 462A.12 is amended to provide that an owner or
9 8 operator of a vessel propelled by a motor of more than 10
9 9 horsepower shall not permit any person under 12 years of age
9 10 to operate the vessel unless accompanied in or on the same

9 11 vessel by a responsible person of at least 18 years of age who
9 12 is experienced in motorboat operation. The bill also provides
9 13 that a person who is 12 years of age or older but less than 18
9 14 years of age shall not operate any vessel propelled by a motor
9 15 of more than 10 horsepower unless the person has successfully
9 16 completed a department-approved watercraft safety course and
9 17 obtained a watercraft safety certificate or is accompanied in
9 18 or on the same vessel by a responsible person of at least 18
9 19 years of age who is experienced in motorboat operation. A
9 20 person who is required to have a watercraft safety certificate
9 21 must carry and exhibit or make the certificate available upon
9 22 request of an officer of the department. A violation of this
9 23 provision is a simple misdemeanor, except that a person
9 24 charged with a violation of this requirement shall not be
9 25 convicted if the person produces the certificate in court
9 26 within a reasonable time. The bill provides that the cost of
9 27 the certificate shall not exceed \$5. Previously these
9 28 provisions only applied to persons under 12 years of age or 12
9 29 to 18 years of age who operated a personal watercraft.

9 30 Code section 462A.20 is amended to provide that a vessel,
9 31 either for hire or offered for hire, is subject to inspection
9 32 at any time, rather than an annual mandatory inspection, by
9 33 representatives of the natural resource commission or by any
9 34 peace officer who is trained in enforcing, and who in the
9 35 regular course of duty enforces, boating and navigation laws.

10 1 The bill also eliminates the requirement that the owner of a
10 2 vessel file an application for inspection of such vessels with
10 3 the commission. The bill provides that an officer of the
10 4 commission or any peace officer who is trained in enforcing,
10 5 and who in the regular course of duty enforces, boating and
10 6 navigation laws has the power to determine whether a vessel
10 7 for hire is safe and upon what waters it may be used and the
10 8 power to determine the seaworthiness of any private vessel.
10 9 The bill eliminates the requirement that vessels that have
10 10 been inspected be issued a current inspection seal that must
10 11 be posted in a conspicuous place and is valid for the calendar
10 12 year in which the inspection occurred.

10 13 Code section 462A.21, which relates to inspections and
10 14 annual fees for inspections of vessels operated for hire, and
10 15 Code section 462A.22, which relates to engineer or pilot
10 16 licenses for operators of vessels for hire, are stricken.
10 17 Code section 462A.23 is amended to remove references to
10 18 suspension or revocation of a person's pilot's or engineer's
10 19 license under specified circumstances and instead applies to
10 20 suspension or revocation of a person's privilege to operate a
10 21 vessel for hire or commercial vessel under specified
10 22 circumstances.

10 23 Code section 462A.25 concerning penalties applicable to
10 24 certain persons holding a pilot's or engineer's license is
10 25 stricken and rewritten. New Code section 462A.25 provides
10 26 that if an owner or operator of a vessel for hire or
10 27 commercial vessel permits such vessel to be occupied by more
10 28 passengers and crew than the registration capacity allows or
10 29 continues to operate such a vessel after the person's
10 30 privilege to operate the vessel has been revoked, the person
10 31 is guilty of a serious misdemeanor. A serious misdemeanor is
10 32 punishable by confinement for no more than one year and a fine
10 33 of at least \$250 but not more than \$1,500.

10 34 Code section 462A.52 is amended to provide that fees
10 35 collected by a county recorder for the registration of vessels
11 1 shall be forwarded to the state treasurer to be placed in the
11 2 state fish and game protection fund, instead of a special
11 3 conservation fund. The bill provides that this money is
11 4 appropriated to the commission solely for the administration
11 5 and enforcement of navigation laws and water safety. The bill
11 6 also provides that, notwithstanding these provisions, any
11 7 increase in revenues received on or after July 1, 2007,
11 8 pursuant to this Code section as a result of fee increases
11 9 pursuant to the bill, shall be used by the commission for the
11 10 fiscal period beginning July 1, 2007, and ending June 30,
11 11 2013, only for the administration and enforcement of programs
11 12 to control aquatic invasive species and for the administration
11 13 and enforcement of navigation laws and water safety upon the
11 14 inland waters of this state. Beginning July 1, 2013, the
11 15 moneys collected can be used only for the administration and
11 16 enforcement of navigation laws and water safety.

11 17 Code section 462A.53 is amended to increase the writing fee
11 18 paid to the recorder for transactions under Code chapter 462A
11 19 from \$1 to \$1.25.

11 20 Code section 462A.66 is amended to provide that any peace
11 21 officer, as well as an officer of the natural resource

11 22 commission, may stop and inspect a vessel being launched,
11 23 operated, or moored upon the waters of this state to determine
11 24 whether the vessel is properly registered, numbered, and
11 25 equipped and may board a vessel if the operator is unable to
11 26 supply visual evidence that the vessel is properly registered
11 27 and equipped, so long as the inspection does not include an
11 28 inspection of an area that is not essential to determine
11 29 compliance with these provisions.
11 30 Code section 462A.77 is amended to provide that owners of
11 31 kayaks are not required to apply for a certificate of title.
11 32 LSB 1912SC 81
11 33 av:nh/sh/8.1